

So far as I am aware it has never been suggested before that a savings bank fell within the descriptive words above quoted. My view is that a savings bank does not carry on a banking business such as was in contemplation of the Legislature when the act of 1902 was enacted, for a savings bank carries on a business of limited character, and not such as is usually transacted by a national bank or a State bank or trust company, and I find nothing in Chapter 67 of the Laws of 1948, concerning banks and banking business which covers savings banks, which in any wise changes the opinion which I have expressed. We must remember that in construing the statute of 1902 we must, if possible, ascertain the legislative will, and I am sure that the legislative body which enacted that law never had in contemplation savings banks when it spoke of institutions carrying on a banking business.

Furthermore, the long continued practical construction of that statute apparently placed thereon by the officers of the State must be considered and given weight, for I am advised that no deposit of State moneys, under the act of 1902, as amended, has ever been made by the State in a savings bank by the many State Treasurers who have occupied that office since the year 1902.

I am therefore of opinion that savings banks do not fall within the meaning of the words "institutions authorized by this State to carry on a banking business" as used in the act of 1944 above referred to.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: THEODORE BACKES,
Deputy Attorney General.

TB:S

JUNE 2, 1949.

COL. CHARLES H. SCHOEFFEL, *Superintendent,*
New Jersey State Police,
Trenton, New Jersey.

FORMAL OPINION—1949. No. 58.

DEAR COLONEL SCHOEFFEL:

Your letter of May 31, 1949, requesting an opinion as to whether or not your department should continue to pay compensation to Sergeant Norman while he is under the care of the Veterans Administration on 100% disability and is receiving aid from the United States Government, received.

The facts show that Norman was in the United States Army during the period from January 31, 1942, to March 1, 1945, on leave of absence from the Division of State Police, and during that time he contracted a severe case of arthritis and a skin disease known as scleroderma. Since he returned to the division he has lost time and has not performed his duties as a State trooper since January 17, 1949, because of the disability received in the United States Army.

Norman receives 100% disability from the government of \$149.00 a month, which he has accepted, and he has performed no services for the State but he has received his full pay during that period.

My suggestion is that Sergeant Norman should be retired under the provisions of R. S. 53:5-3 for ordinary disability; that statute being applicable, as I read it, to a situation such as you described.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: ROBERT PEACOCK,
Deputy Attorney General.

JUNE 6, 1949.

HON. CHARLES R. ERDMAN, JR., *Commissioner,*
Dept. of Conservation and Economic Development,
Trenton 7, New Jersey.

FORMAL OPINION—1949. No. 59.

DEAR MR. ERDMAN:

Your letter of June 1, 1949, concerning approval of a permit to extend a pier approximately 300 feet into the ocean on behalf of the Seaside Land and Amusement Company is at hand.

You inquire as to whether or not the Planning and Development Council, when it grants riparian rights and a permit to erect a structure oceanward over those rights, assumes any responsibility for that which may occur on the structure thus permitted.

When your Council grants a permit to erect a structure oceanward over riparian rights to the owner thereof, your Council assumes no responsibility for that which may occur on the structure thus permitted.

Under R. S. 12:5-3 plans for the development of any waterfront upon any navigable water or stream which is contemplated by any person or municipality shall be submitted to your board and no such development or improvement shall be commenced without a permit from your board.

The board would not be responsible because it is the duty of your board primarily in granting permits to ascertain whether or not the structure permitted interferes with navigation.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: ROBERT PEACOCK,
Deputy Attorney General.